

REMARKS

Remark 1:

With all due respect, Applicant respectfully requests the Examiner withdraw the rejection of Claim 1. Applicant has amended Claim 1 by adding the limitation of former Claim 4. Applicant's amendments of Claim 1 herein renders the claim novel and non-obvious.

Applicant respectfully points out that Examiner has admitted that the cited patent to O'Donnell, Jr. "does not teach the use of growth factor". Applicant also respectfully asserts that the method taught in originally filed Claim 1 can hardly be considered "conventional chemotherapy and radiation treatment" as used in the Purchio reference. Applicant respectfully submits that conventional chemotherapy and radiation treatment do NOT include methods for treatment of skin in which treating a subsurface layer of skin with a source of energy sufficient to cause stimulation of collagen remodeling in order to achieve improved collagenesis in the skin.

Remark 2:

With all due respect, Applicant respectfully requests the Examiner withdraw the rejection of claims dependent on Claim 1.

Remark 3:

With all due respect, Applicant respectfully requests the Examiner withdraw the rejection of Claim 11. Applicant has amended Claim 11 by adding the limitation of former Claim 5. Applicant's amendments of Claim 11 herein renders the claim novel and non-obvious.

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CONCLUSION

Applicant respectfully submits that for all the foregoing reasons, the claimed subject matter describes patentable invention. Furthermore, Applicant submits that the specification is adequate and that the claims are now in a condition for allowance. No new matter has been entered.

Applicant hereby respectfully requests Examiner to withdraw the cited references as anticipating or obviating prior art, enter these amendments, find them descriptive of useful, novel and non-obvious subject matter, and authorize the issuance of a utility patent for the truly meritorious, deserving invention disclosed and claimed herein.

Without further, Applicant does not intend to waive any claims, arguments or defenses that they may have in response to any official or informal communication, paper, office action, or otherwise, and they expressly reserve the right to assert any traverse, additional grounds establishing specificity and clarity, enablement, novelty, uniqueness, non-obviousness, or other patentability, etc.

Further, nothing herein shall be construed as establishing the basis for any prosecution history or file wrapper estoppel, or similar in order to limit or bar any claim of infringement of the invention, either directly or under the Doctrine of Equivalents.

Respectfully submitted,

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By: an

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CERTIFICATE OF EXPRESS MAILING

I hereby certify that this paper and the documents referred to as attached therein are being deposited with the United States Postal Service using "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to "Commissioner of Patents and Trademarks, Washington, D.C. 20231" using express mail label number EL 977270499 vs
Signed: DOM 10/11/00 Date Mailed: July 29, 2003

Amendment and Response to Paper No. 11 Mailed 05/14/03
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Title: ENHANCED NONINVASIVE COLLAGEN REMODELING
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